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24 UNITED STATES DISTRICT COURT
25 NORTHERN DISTRICT OF CALIFORNIA

26 U.S. EQUAL EMPLOYMENT
27 OPPORTUNITY COMMISSION,

28 Case No.: 3:23-cv-04984-JSC

Plaintiff,

**STIPULATION AND [PROPOSED]
ORDER ENLARGING BRIEFING SCHED
FOR TESLA'S MOTION TO DISMISS AND
RESETTING HEARING DATE**

vs.

29 TESLA, INC.,

Defendant.

30 Plaintiff U.S. Equal Employment Opportunity Commission (EEOC) and Defendant Tesla,
31 Inc. (Tesla) (collectively, the Parties) jointly submit this request in accordance with Local Rules 6-2
32 and 7-12 for the Court to enlarge the briefing schedule for the opposition and reply deadlines for
33 Tesla's Motion to Dismiss the Complaint (ECF 27) and resetting the hearing date for this motion.

1 Plaintiff EEOC filed the Complaint in this matter on September 28, 2023. (ECF 1) On
 2 December 18, 2023, Defendant Tesla filed a Notice of Motion and Motion to Stay All Proceedings
 3 and requested a hearing on February 1, 2024. (ECF 22) The current deadlines for the Parties to
 4 submit an opposition and a reply thereto are January 3, 2024, and January 10, 2024, respectively
 5 (ECF 22-A). On December 26, 2023, Defendant Tesla filed a Notice of Motion and Motion to
 6 Dismiss and requested a hearing on February 8, 2024. (ECF 27) The current deadlines for the Parties
 7 to submit an opposition and a reply thereto are January 9, 2024, and January 16, 2024, respectively
 8 (ECF 27-A).

9 The Parties seek modest additional time to prepare their respective briefings for the Motion
 10 to Dismiss, the schedule for which has fallen over the holidays and overlaps with the Parties'
 11 opposition and reply for the Motion to Stay. Extending the time to complete the briefing and hear
 12 Tesla's Motion to Dismiss, a date which was noticed by Tesla, will not otherwise disrupt any other
 13 deadlines in the case. The only prior time modification requested and received by the Parties was to
 14 vacate the initial case management deadlines until after the Court rules on Tesla's Motion to Stay All
 15 Proceedings (ECF 23, 24).

16 **STIPULATION**

17 WHEREAS, the Parties believe that good cause exists to enlarge the briefing schedule and
 18 continue the related hearing date for Tesla's Motion to Dismiss, as the briefing schedule overlaps
 19 with briefing on the Motion to Stay, the additional requested time is modest, and the enlargement
 20 will not disrupt any other deadlines in the case;

21 WHEREAS, the Parties have requested only one other continuance to vacate the initial case
 22 deadlines and deadline to meet and confer pursuant to Rule 26(f) until the Court rules on the Motion
 23 to Stay.

24 THEREFORE, it is hereby stipulated and agreed that, subject to Court approval, the briefing
 25 deadlines for Tesla's Motion to Dismiss will be enlarged as follows: The deadline for the EEOC to
 26 oppose this Motion will be January 30, 2024, and the deadline for Tesla to reply to the opposition
 27 will be February 6, 2024. Also, subject to Court approval, the Parties' request that the hearing on this
 28 Motion be held on February 22, 2024.

1 IT IS SO STIPULATED.
2

3 Respectfully submitted,
4

DATED this 29th of December, 2023.

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LOCAL RULE 5-1(I)(3) ATTESTATION

I, James H. Baker, am the ECF User whose ID and password are being used to file the foregoing document. In compliance with Local Rule 5-1(i)(3), I hereby attest that counsel for Defendant concurred in this filing on December 29, 2023.

Dated: December 29, 2023

BY: /s/ James H. Baker
JAMES H. BAKER

[PROPOSED] ORDER

Based on the foregoing stipulation of the Plaintiff U.S. Equal Employment Opportunity Commission and Defendant Tesla, Inc., IT IS HEREBY ORDERED THAT:

1. The hearing on Tesla's Motion to Dismiss the Complaint [ECF 27] is reset for 2/22/2024 10:00 AM in San Francisco, Courtroom 08, 19th Floor.
2. Responses are due by 1/30/2024. Replies are due by 2/6/2024.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January 2, 2024

HON. JACQUELINE SCOTT CORLEY
United States District Court Judge